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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,939	07/01/2005	Hendricus Antonius Hoogland	294-217 PCT/US	8051
23869	7590	08/21/2008	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				NGUYEN, THUKHANH T
ART UNIT		PAPER NUMBER		
1791				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/533,939	HOOGLAND, HENDRICUS ANTONIUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	THU KHANH T. NGUYEN	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 June 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Specification***

1. The amendment filed June 11, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: wherein the male part and the first mold half define a first pressure chamber and/or the female part and the second mold half define a second pressure chamber. The specification and the drawing only indicated chamber 25 is formed by the mold block 20 and the female mold 19.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claim 1 discloses that the male part and the first mold half define a first pressure chamber, which was not described and supported by the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wade (3,703,255).

Wade teaches an apparatus for forming container, comprising a first mold half (12) and a second mold half (30), a mold cavity (28) formed by a female mold (14) and a male mold (38), wherein the female mold (14) is movable from the first position (Fig. 2) to a second position (Fig. 3), wherein the first mold half and the female mold half (12, 14) define a pressure chamber (24).

In regard to claims 2-3, wherein the male mold (38) further discloses a plurality of circumferentially spaced radially extending projections or vacuum inlet openings (54).

In regard to claims 4-5, wherein the male mold (38) is frustoconical or a truncate block-shaped (Figures 1-3, 40) and the female mold (14) having a corresponding shape.

In regard to claims 7-9, the apparatus further comprises pressure member as a stripper ring (18) extended around and keep the male and female molds (14, 38) in position, wherein the stripper ring is retractable when the female mold moves from one position to another (Figures 2 &3, 14, 18).

In regard to claim 12, wherein female mold (14) is movable toward the forming position (Figure 3, 14) after the mold has been closed (Figure 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade ('526) as applied to claims 1-5, 7-9 and 12 above, and further in view of Marshall (4,822,553).

Wade discloses an apparatus for forming container as described above, but fails to disclose gas-filled spring means for biasing the mold part.

Marshall discloses an apparatus for thermoforming a plastic article, comprising a plurality of air springs (70) for biasing the mold segments (64) downward and outwardly along the guide surface (col. 5, line 61 to col. 6, lines 28).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Wade by providing a plurality of air springs, or gas-filled spring means as taught by Marshall in order to control the movement of the mold parts.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as obvious over Wade ('526) as applied to claims 1-5, 7-9 and 12 above, and further in view of Brown et al (5,225,213).

Wade discloses an apparatus for forming containers as described above, but fails to disclose that the mold is of multi-cavity design.

Brown et al disclose an apparatus for differential pressure forming articles, comprises a pair of upper and lower mold plates (20, 22) each having a plurality of male and female molds (28, 94); wherein the male mold (94) having a frustoconical shape and the female mold having a corresponding shape (Fig. 7).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Wade by providing the molds having a multi-cavity shape as taught by Brown in order to form a plurality of products at the same time. Further, the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

10. Applicant's arguments with respect to claims 1-13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Wade discloses an apparatus for forming plastic containers comprising a frustoconical male mold and corresponding female mold, wherein the female mold and the female mold support forming a pressure chamber.

Marshall discloses the use of air springs and other biasing means for moving the mold segments during the molding process.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THU KHANH T. NGUYEN whose telephone number is (571)272-1136. The examiner can normally be reached on Monday- Friday, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN /Yogendra N Gupta/  
Supervisory Patent Examiner, Art Unit 1791